



United States Attorney
Southern District of New York

The Silvio J. Mollo Building
One Saint Andrew's Plaza
New York, New York 10007

August 8, 2017

BY ECF

The Honorable Deborah A. Batts
United States District Judge
Southern District of New York
500 Pearl Street
New York, New York 10007

The Honorable Alison J. Nathan
United States District Judge
Southern District of New York
40 Foley Square
New York, New York 10007

Re: United States v. Fabian Morrison, 16 Cr. 598 (DAB)
United States v. Fabian Morrison, S2 15 Cr. 95 (AJN)

Dear Judges:

The Government respectfully submits this letter, jointly with counsel for the defendant Fabian Morrison, to update the Court regarding the parties' proposed pretrial disposition of the two cases pending against Fabian Morrison.

In the Government's letter dated June 30, 2017, the parties proposed that, pursuant to a plea agreement, Morrison would plead guilty to the racketeering conspiracy in the case pending before Judge Nathan, with the assault on a federal officer charged before Judge Batts listed as one of the underlying racketeering acts. Upon sentencing by Judge Nathan, the Government would move, pursuant to Rule 48(a) of the Federal Rules of Criminal Procedure, to dismiss the indictment pending against Morrison in the case before Judge Batts. In a memo endorsement dated July 5, 2017, the Court indicated no objection to the proposed resolution.

Upon further discussion, the parties have preliminarily agreed that, rather than Morrison pleading to racketeering conspiracy with the assault as a racketeering act, the defendant is prepared to plead guilty to a superseding information before Judge Nathan charging him with (1) racketeering conspiracy and (2) a separate substantive charge for the assault on a federal officer. This proposed change does not alter either the mechanics of the parties' proposal for a joint disposition, or the agreed-upon Guidelines range applicable to the defendant. The parties therefore expect that Morrison will enter a guilty plea to the above-described superseding information in

Magistrate's Court sometime next week.

Respectfully submitted,

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cc: Peter Quijano, Esq.